

REMARKS

Claims 1 and 16 have been amended to more clearly state the invention as claimed. Claims 23 and 24 have been added. Support for the amendments can be found in the Specification on page 2, lines 20-23 and page 4, lines 2-5. Support for the new claims can be found in the Specification p. 4, lines 26-31 and p. 1, lines 26-30. No new matter has been added herewith. As a result of the amendment, Claims 1-12 and 14-24 are presented.

The changes made to the claims by the current amendment, including ~~deletions~~ and additions, are shown herein with deletions designated with a strikethrough and additions underlined. No new matter has been added herewith.

Rejection under 35 U.S.C. §103(a)

Claims 1-6, 9-12, and 14-22 are rejected under 35 U.S.C. §103(a) as unpatentable over Kalasek in view of the Applicant's admission of the state of the prior art.

Claims 7-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kalasek and Applicant's admission of the state of the prior art, as applied to claims 1-6, 9-12 and 14-22 above, and further in view of Brucker WO 92/01479.

However, *prima facie* obviousness requires that the prior art references disclose all of the claimed elements. The presently claimed invention comprises a sterilization boiler which comprises an apparatus that provides steam pulsatingly into the chamber. Kalasek et al does not teach or suggest a sterilization apparatus that provides steam pulsatingly into the chamber. As evidenced by the enclosed Declaration by Mr. De Heus, the pulsating steam provides for a more efficient and better sterilization.

Further, Claims 10, 11, and 16-22 specify a cylindrical sterilization boiler. The cylindrical shape is necessary to provide a high pressure environment for sterilization. Kalasek et al. does not teach or provide a cylindrical sterilization boiler. In fact, Kalasek specifically teaches that a high pressure environment is not necessary. Support for this statement can be found in the Kalasek patent in column 2, lines 10-15, which states that the Kalasek apparatus does not have a boiler, and column 7, lines 3-8, which states that a pressure container is no longer required for the Kalasek sterilization apparatus. Further support can be found in the Declaration by Mr. De Heus.

Brucker teaches only the use of lateral supports and a hinged door. Thus, Brucker does not teach the sterilization apparatus as claimed. Nor does Brucker teach the missing elements of a cylindrical boiler and an apparatus for pulsatingly introducing steam.

Thus, the Kalasek apparatus does not render the claimed invention obvious because the Kalasek patent does not teach the use of an apparatus which provides the steam pulsatingly into the chamber and Kalasek does not teach a cylindrical sterilization boiler. Thus, Kalasek et al. in view of Brucker does not teach all of the claimed elements.

Conclusion

In light of the Applicant's amendments to the claims as well as the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully requested to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Aug 12, 2003

By: Jennifer Haynes

Jennifer A. Haynes, Ph.D.
Registration No. 48,868
Agent of Record
Customer No. 20,995
(415) 954-4114